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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,579	11/03/2000	Michael J. O'Phelan	279.271US1	6168

21186 7590 03/07/2003

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EXAMINER

FUQUA, SHAWNTINA T

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/706,579

Applicant(s)

O'PHELAN ET AL.

Examiner

Shawntina T. Fuqua

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 22-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7-10,12,13 and 16-21 is/are rejected.
- 7) ☒ Claim(s) 2,5,6,14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Invention I, Species A, Subspecies A1, claims 1-21, Figures 1-4, 5A-B, and 6-7 in Paper No. 7 is acknowledged. In lieu of applicant's response to restriction requirement, the generic claims are hereby modified as claims 1, 12, and 16. In addition, examiner notes that claim 11
2. Claims 22-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7. In addition, claim 11 is also withdrawn as being drawn to a nonelected species.

### *Specification*

3. The disclosure is objected to because of the following informalities: on page 1, line 4 and page 6, line 24 remove [xx/yyyyyy] and replace with the correct Application Serial Number; and on page 6, line 24 remove [xx/yy/zzzz] and replace with the correct filing date.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3742

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-4, 7-10, 12-13, and 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Elias et al (US5926357).

Elias et al discloses a capacitor comprising a case (32) having a feedthrough hole (54), a capacitor stack (36), a coupling member (46) having a base (64, 86) attached to the capacitor stack (Figure 3), and a portion partially extending through the feedthrough hole (column 2, lines 60-67; Figures 2-4), the coupling member having a mounting section (52), a feedthrough conductor (50) coupled to the mounting section (Figure 3), a sealing member (90, 104) adjacent the feedthrough hole, the feedthrough hole is non-hermetically sealed (column 3, line 59-column 4, line 14), the base surface (64, 86) comprises a planar surface (Figure 3), the base surface is butt-welded to a flat connection surface of the capacitor stack (column 3, lines 13-34), the mounting section (52) comprises a hole (Figure 3), the coupling member (46) comprises an aluminum material (86) and the feedthrough conductor (50) comprises a non-aluminum material (column 4, lines 56-57), the coupling member (46) comprises a holding tube (52) having a passage that mates (Figure 3) with the feedthrough conductor (50) wherein the feedthrough conductor has a diameter approximately the same as the holding tube passage (Figure 3), the sealing member comprises an epoxy (column 4, lines 18-21), a coupling member (46) having a first surface (64, 86) contacting the conductive surfaces of the capacitor element (Figure 3) and second and third opposing surfaces (52) contacting the feedthrough conductor (50) and extending through the feedthrough hole (54) wherein the first surface is perpendicular to the second and third opposing surfaces (Figure 3), second and third opposing surfaces are curved (Figure 3), the

Art Unit: 3742

coupling member has a portion outside and a portion inside the case (column 2, lines 60-67; Figure 3) and is electrically conductive (column 4, lines 56-58).

*Allowable Subject Matter*

6. Claims 2, 5-6, 14, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

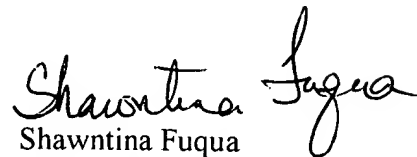
*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (703) 305-2581. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3463 for regular communications and (703) 305-3463 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

stf  
February 27, 2003

  
Shawntina Fuqua  
Patent Examiner

Art Unit 3742